

PROTECTIVE PAYMENTS IN THE ~~AID TO FAMILIES WITH DEPENDENT~~
~~CHILDREN (AFDC) AND REFUGEE OTHER ASSISTANCE PROGRAMS~~

CHAPTER 340.

PROTECTIVE PAYMENTS IN THE ~~AID TO FAMILIES WITH DEPENDENT~~
~~CHILDREN (AFDC) AND REFUGEE OTHER ASSISTANCE PROGRAMS~~

22 VAC 40-340-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Caretaker relative" means the natural or adoptive parent or other relative of specified degree (i.e. aunt, uncle, grandparent, etc.) with whom the children reside who is responsible for supervision and care of the needy children and is the individual to whom the assistance payment is made.

"Employment Services Program" means a program operated by each locality which is designed to enhance employment, education and training opportunities for ~~Aid to Dependent Children and Refugee Other Assistance~~ recipients.

"Payee" means the person to whom the assistance payment is made payable. In most situations, the caretaker relative is the payee.

"Protective payee" means an appropriate individual to act for the caretaker relative in receiving and managing the total assistance payment. The protective payee should be someone who is interested and concerned with the welfare of the caretaker relative and his children.

"Sanctioned caretaker relative" means a caretaker relative whose needs are removed from the grant and who is ineligible for an assistance payment because he failed to

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participate in the Employment Services program, or who failed to assign rights to child/spousal support or cooperate in establishing paternity and securing such support.

22 VAC 40-340-20. Protective payee.

When a caretaker relative fails to participate in the Employment Services Program, or fails to assign rights to child or spousal support or cooperate in securing support or determining paternity, that individual's needs must be removed from the assistance grant and a protective payee appointed to receive and manage the financial assistance payment. At least every six months, the local agency must review the way in which the protective payee's responsibilities are being carried out. In situations where the local agency cannot, after reasonable efforts, locate an appropriate individual to act as a protective payee, the sanctioned caretaker relative may continue to receive the assistance payment on behalf of the remaining assistance unit members. The final authority for determining that reasonable efforts to locate a protective payee have been made rests with the superintendent or director of each locality or may be delegated as deemed appropriate.

I certify that this regulation is full, true, and correctly dated.

Debra Price Andrews, Chair
State Board of Social Services
March 10, 2004